

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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STACY THORNTON,)	DEBRA P. HACKETT, CLK
)	U.S. DISTRICT COURT
Plaintiff,)	MIDDLE DISTRICT ALA
)	
v.)	Civil Action No: 2:22-cv-149
)	
WALGREEN Co., INC.)	
)	
Defendant.)	

REMOVAL PETITION

COMES NOW the Defendant, Walgreen Co., a corporation, incorrectly designated in the Complaint as Walgreen Co., Inc. as the only named defendant in this action, and pursuant to 28 U.S.C. § 1441(a) files this Removal Petition and hereby removes this action to this Court from the Circuit Court of Elmore County, Alabama. In support of this Removal Petition, Defendant Walgreen Co., a corporation, states as follows:

1. This is a civil action filed in the Circuit Court of Elmore County where Plaintiff claims that she fell and was injured due to a dangerous condition existing in floor of the Walgreen Co.'s store. Plaintiff claims the Defendant was guilty of negligence and/or wantonness in the maintenance of its store. Plaintiff claims compensatory damages and "any further damages in such amount as this Court may determine."

2. This action was commenced by the Plaintiff filing her Complaint in the Circuit Court of Elmore County on or about March 8, 2022. Walgreen Co., a corporation (incorrectly designated in the Complaint as Walgreens Co., Inc.) is the only Defendant to this action and they were served March 11, 2022. A true and correct copy of the original Complaint and all other processed pleadings served upon this Defendant are attached hereto and marked as Exhibit A.

3. This action was served upon this Defendant on March 10, 2022 and removal of this case is being done within thirty (30) days from the date of service of process.

4. This action is removable under 28 U.S.C. § 1441(a) because it is a civil action over which this Court has original diversity jurisdiction under the provisions of 28 U.S.C. § 1332.

5. There exists complete diversity of citizenship between the Plaintiff and the only Defendant. The Plaintiff is a resident citizen of Jefferson County, Alabama. The Defendant, Walgreen Co. is a resident citizen of a state other than the State of Alabama. It is incorporated in the State of Delaware with its principal place of business located in State of Illinois and as such is a citizen of a state other than the state of the Plaintiff's citizenship and the state where the action is pending.

6. While the Complaint does not state a specific amount of damages, Plaintiff is claiming compensatory damages and other damages and has made a

settlement demand on the Defendant Walgreen Co. in the amount of \$150,000 as reflected by correspondence attached hereto as Exhibit B. In the Plaintiff's Complaint there is an allegation that the Defendant was guilty of wanton misconduct and if proven by clear and convincing evidence the Plaintiff could be entitled to punitive damages. They are not specifically referred to in the Complaint, but there is a reference to "other damages."

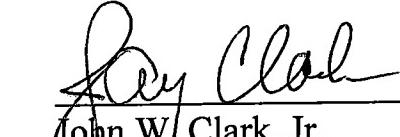
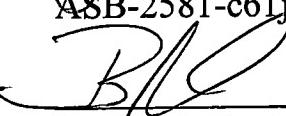
7. Defendant Walgreen Co., a corporation, denies that it was guilty of any of negligence, wantonness, or any other conduct which would entitle the Plaintiff to recover an award of any damages, but it is evident that if Plaintiff does prevail in her claim in this case that the recovery reasonably may well exceed the required jurisdiction amount of \$75,000 and that is based upon the amount being claimed by the Plaintiff.

8. This Removal Petition is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is being filed within thirty (30) days after the Defendant's receipt of the Complaint and after the receipt of the settlement demand in the amount of \$150,000.

9. Written notice of filing of this Removal Petition is being sent to the Plaintiff's attorney, being the only adverse party. A Notice of Removal is being filed with the Clerk of the Circuit Court of Elmore County, Alabama as provided by 28 U.S.C. § 1446(d).

10. The undersigned has read this Removal Petition and to the best of the undersigned's knowledge, information, and belief, formed after a reasonable inquiry, the undersigned represents that this Removal Petition is swell grounded in fact as well as warranted by existing law. The undersigned certifies that this Removal Petition is not being interposed for any improper purposes such as to cause unnecessary delay, or a needless increase in the cost of litigation.

Done this the 22nd day of March, 2022


John W. Clark, Jr.
ASB-2581-c61j

Bradley J. Smith
ASB-6847-b52s

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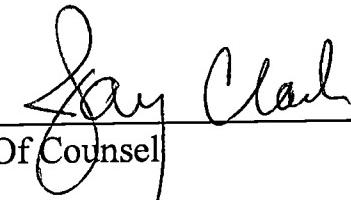
Attorneys for Defendant Walgreen Co.

DEFENDANT DEMANDS TRIAL BY JURY OF ALL ISSUES HEREIN

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of March, 2022, the foregoing was mailed to the U.S. District Court for the Middle District of Alabama, Northern Division for filing. I hereby certify that on that same day, participants to whom the foregoing is due will have a copy of same placed in the United States mail, first class postage prepaid and properly addressed this same day.

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Of Counsel